

REMARKS

In the application claims 1-34 remain pending. No claims have been added and no claims have been canceled. Claims 15, 33, and 34 have been amended to cure the informalities noted in the Office Action. The entry of the amendments into the record of the subject application is respectfully requested. Presently, each of pending claims 1-34 stands rejected. The reconsideration of the rejection of the claims is also requested.

In the Office Action, claims 1-34 were rejected as being unpatentable over Fields (U.S. Patent No. 6,338,059). Generally, the Office Action set forth that Fields discloses a centralized hosting server site (which allegedly corresponds to the claimed “clearinghouse”) which is, in turn, linked to one or more servers (which allegedly corresponds to the claimed “merchant and partner” sites). While the Office Action acknowledged that Fields fails to disclose a “translator” as is recited in the claims, the Office Action nevertheless concluded that it would have been obvious to use a “translator” in the system of Fields to “facilitate communication and allow both merchants and partners to communicate concerning their products and commercial activity” as well as to “increase customer’s access to information.”

In response to this rejection of the claims, it is respectfully submitted that three basic criteria must be met to establish a prima facie case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. When combining references to form an obviousness rejection, it is impermissible to pick and choose from a reference only so much as will support a given position while disregarding what a reference fairly teaches in its entirety. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach

or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *See* MPEP 2143.

Turning to rejection set forth in the Office Action, it is first respectfully submitted that the Office Action fails to demonstrate where the cited references teach or suggest all of the claim limitations. For example, the Office Action is silent as to which reference, if any, expressly discloses the claimed translator on the clearinghouse site for *converting data compliant with the merchant database format into data compliant with the partner database format* or the claimed translator on the clearinghouse site *for converting data compliant with the partner database format into data compliant with the merchant database format*. While the Office Action acknowledges that Fields fails to disclose any “translator,” the Office Action appears to take the position that these claim elements would be found in some unspecified reference since “it would be obvious...to disclose translator programs that convert one or more sets of incoming data.” (*See* page 9 of the Office Action). Since the Office Action provides no more than mere speculation that “it would be obvious [for some reference] to disclose” those claim elements that cannot be found in Fields, it is submitted that the Office Action has not demonstrated where each and every claim element can be found in the prior art. As such, a *prima facie* case of obviousness has not been established and the rejection of the claims must be withdrawn.

Notwithstanding the fact that the Office Action has failed to demonstrate where each and every claim element can be found in the prior art, it is further respectfully submitted that the Office Action also fails to demonstrate where the prior art suggests modifying Fields to include the specifically claimed “translators.” While the Office Action has stated that one would be motivated to use a “translator” in Fields to “allow both merchants and partners to communicate

concerning their products and commercial activities,” no passage from any reference has been cited to that can be said to express this motivation. Accordingly, it can only be concluded that the Office Action has impermissibly used the disclosure of the applicant to piece together various elements for the purpose of deprecating the claimed invention. Since the Office Action fails to demonstrate where the relied upon references suggest modifying Fields to include any “translator,” let alone the specifically claimed ‘translators,’ a prima facie case of obviousness has not been established and the rejection must be withdrawn.

It is further submitted that, even assuming that the prior art disclosed the use of the claimed translator on the clearinghouse site for *converting data compliant with the merchant database format into data compliant with the partner database format* or the claimed translator on the clearinghouse site for *converting data compliant with the partner database format into data compliant with the merchant database format*, which it does not, one of skill in the art would still not be motivated to modify Fields to include any type of “translator.” In this regard, when Fields is fairly read in its entirety, Fields discloses no more than a system for filtering an HTML Web page source where extracted data elements are plugged into another HTML Web page template that is formatted so that the resulting HTML Web page appears to have originated from a centralized server hosting site. While Fields does use words like formatting, filtering, and reformatting, Fields does not use those words in a manner that suggests “translation.” In Fields, the underlying format of the data is not “converted,” rather the data is merely passed-through the centralized server hosting site by being placed into a Web page template “that matches the look and feel of the hosting Web site.” Since the data which is extracted by means of filtering always remains in its original HTML Web page data form (e.g., .gif, .bmp, html, etc.), it is evident that the “merchants and partners” of Fields communicate using a common data format that would

allow the “merchants and partners” to exchange data even without the centralized data server.

Therefore, for the reason that any type of “translator” would be nothing more than superfluous to the system described in Fields, it is evident that there exists no motivation to modify Fields in the manner suggested by the Office Action. Still further, since Fields does not even concern a system that links two databases, rather being directed to a system for viewing HTML content, it is submitted that there particularly exists no motivation to modify Fields to include the “translators” that are specifically claimed. In view of these facts, it is evident that the Office Action fails to establish a prima facie case of obviousness and, as such, the rejection of the claims must be withdrawn.

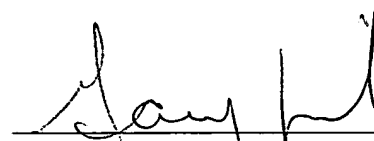
CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

Respectfully Submitted;

Date: March 14, 2003

By:



Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, PC
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Crouthamel et al.)	Examiner:	Zurita, James H.
)		
Serial No.:	09/640,437)	Art Unit:	3625
)		
Filed:	August 17, 2000)	Attny Doc.:	21221.01P1
)		
Title:	Method And System For)		
	Exchanging Data Between)		
	Affiliated Sites)		

MARKED COPY OF THE AMENDED CLAIMS

15. (Once Amended) A system for managing sets of data across an interconnected computer network, the system comprising:

at least one merchant site employing a merchant database format, the merchant site enabling a user to [conduct] complete a transaction on the merchant site;

at least one partner site employing a partner database format different from the merchant database format, the at least one partner site having at least one of a link to the at least one merchant site and a display of [transactional information] transaction data from the at least one merchant site, the display of [transactional information] transaction data enabling a user to [conduct] complete a transaction with the at least one merchant site on the at least one partner site; and

a clearinghouse site in communication with the at least one merchant site and the at least one partner site, the clearinghouse site having at least one translator to convert a first set of data compliant with the merchant database format into a second set of data compliant with the partner database format, the clearinghouse site also capable of sending the second set of data to the at least one partner site.

33. (Once Amended) A system for managing sets of data across an interconnected computer network, the system comprising:

at least one merchant site employing a merchant database format, the merchant site enabling a user to [conduct] complete a transaction on the merchant site;

at least one partner site employing a partner database format different from the merchant database format, the at least one partner site having at least one of a link to the at least one merchant site and a display of [transactional information] transaction data from the at least one merchant site, the display of [transactional information] transaction data enabling a user to [conduct] complete a transaction with the at least one merchant site on the at least one partner site; and

a clearinghouse site in communication with the at least one merchant site and the at least one partner site, the clearinghouse site having at least one translator to convert a first set of data compliant with the partner database format into a second set of data compliant with the merchant database format, the clearinghouse site also capable of sending the second set of data to the at least one merchant site.